



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,660	04/03/2001	Toby Selcer	2166.006	2957

21917 7590 12/30/2002

MCHALE & SLAVIN
4440 PGA BLVD
SUITE 402
PALM BEACH GARDENS, FL 33410

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
----------	--------------

1734

8

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/825,660	Applicant(s)	Selcer et al
Examiner	LAMG	Group Art Unit	1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 9/9/02

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-25 is/are pending in the application.

Of the above claim(s) 23-25 is/are withdrawn from consideration.

Claim(s) 16-22 is/are allowed.

Claim(s) 1-15 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

BEST AVAILABLE COPY

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 7 Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Applicant's election of Group I in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the recitation in claims 7-8 that the fluid is a lubricant (claim 7) or a high viscosity inhibitor or cleaning fluid (claim 8) injected at about 3000 psi further limits the apparatus claim since the pressurized source of the lubricant or high viscosity inhibitor or cleaning fluid is not structurally part of the apparatus. Claim 8 is confusing since it is unclear what a high viscosity inhibitor encompasses. It is suggested that applicant at line 2 of claim 8 before "inhibitor" insert --rust--. The following terms lack proper antecedent basis: "said high pressure fluid" at line 24 of claim 1; "the hydraulic seals" at line 3 of claim 10; and "said high pressure lubricant" at line 36-37 of claim 16. It is unclear how the recitation that cable has a non-circular cross-section further in claim 15 further limits claim 1 also claims a cable having a non-circular cross section. Claim 5 is confusing since it recites that the rotor is maintained a predetermined distance from the inner surface of the stator by bearing and rotating bushing yet claim 3 claims the outer surface of the rotor conforms or fits to the inner surface of the stator

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 7-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenner.

Jenner teaches the design of a cable treatment assembly comprised of the following elements: a stator having of first and second semicylindrical shells which are secured together to defining a cavity therebetween; a rotor assembly secured within the cavity and including means for hydraulically sealing to stator and cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable is impregnated by the high pressure fluid (See Figures 1-3). With respect to claim 2, Jenner teaches that the first and second shells are secured together by at least one fastener (See page 2 column 1 lines 52-69). With respect to claims 7-8, the Jenner assembly is capable of applying lubricant or high viscosity rust inhibitor at high pressure such as 3000 psi. With respect to claims 9 and 15, Jenner apparatus is capable of

coating cable of various diameters and those of non-circular cross section via the yieldingly mounted divided or split rotor (See page 2 column 2 lines 18-32).

Claims 1-5, 7-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,158,114.

GB '114 teaches the design of a cable treatment assembly comprised of the following elements: a stator having of first and second semicylindrical shell which are secured together to define a cavity therebetween; a rotor assembly secured within the cavity and including means for hydraulically sealing to stator and cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable is impregnated by the high pressure fluid (See Figures 3-4). With respect to claim 2, GB '114 teaches that the first and second shells are secured together by at least one fastener (See Figure 4). With respect to claims 7-8, the GB '114 assembly is capable of applying lubricant or high viscosity rust inhibitor at high pressures such as 3000 psi. With respect to claims 9 and 15 GB '114 apparatus is capable of coating cable of various diameters and those of non-circular cross section via split rotor (also See Figure 4). With respect to claims 3-5, GB '114 teaches the means for hydraulically sealing is constructed from a resilient/deformable material (see page 1 lines 89-103). GB '114 teaches that the rotor is maintained a predetermined distance from stator by bearing/bushing assembly as shown in Figure 3-4. GB '114 teaches the rotor is diametrically split along its axis.

Claims 1, 2, 7-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 790,551.

GB '551 teaches the design of a cable treatment assembly comprised of the following elements: a stator having a first and second semi-cylindrical shell which are secured together to

define a cavity therebetween; a rotor assembly secured within the cavity and including means for hydraulically sealing to stator and cable; and a fluid input port such that the cable when passed through the apertures of the stator and rotor the cable is impregnated by the high pressure fluid. With respect to claim 2, GB '551 teaches that the first and second shells are secured together by at least one fastener (See element 20). With respect to claims 7-8, the GB '551 assembly is capable of applying lubricant or high viscosity rust inhibitor at high pressure such as 3000 psi. With respect to claims 9 and 15, GB '551 apparatus is capable of coating cable of various diameters and these of non-circular cross-section.

Claims 6 and 10-14 would be allowable if rewritten to overcome the rejection (s) under 35 USC 112, second paragraph set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 16-22 are allowed.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn
December 20, 2002



BRENDA A. LAMB
PRIMARY EXAMINER
GROUP 1900